

elected the claims of Group I [Claims 1-4 and 12-18] without traverse, reserving the right to file divisional applications directed to the remaining claims.

In a Supplemental Response dated March 21, 2002, Applicants made a species election of pentapeptides for the peptide length and SEQ ID NO:16 for the peptide species, without traverse.

These responses were responsive to a Requirement for Restriction dated October 1, 2001.

Applicants have received a new Requirement for Restriction dated April 8, 2002. While the Examiner has acknowledged the previously filed Response, the new Office Action, although it withdraws Claims 5-11 and 19-30 from consideration, is actually non-responsive, since it actually requests the same Response for Restriction once again.

Applicants have cancelled Claims 5-11 and 19-30 without prejudice. Applicants respectfully note that the previously filed Responses are completely responsive to the present Office Action and respectfully request that they be entered (or reentered) in the present application.

Applicants further note that when they contacted the Examiner on May 7, 2002, it was requested that the Office Action of April 8, 2002 should be withdrawn, since Applicants had already fully responded to the previous Requirement for Restriction. The Examiner agreed, and specifically told Applicants that it was unnecessary to file a Response to the present Office Action. However, nearly two weeks later, the Examiner informed Applicants that a Response had to be filed to the Office Action. Because Applicants were informed of this after May 8, 2002, Applicants must now petition and pay for a one-month extension of time, to respond to an Office Action that technically should have been withdrawn. Applicants respectfully submit that they would have filed a timely Response on May 7, 2002 to the present Office Action, but they did not receive proper instructions from the Examiner. Accordingly, Applicants respectfully request a refund of the one-month extension fee to be paid to respond to an erroneous Office Action, to be credited to our Deposit Account No. 02-1666. If the Examiner or Supervisory Examiner would like to discuss this further, please contact Applicants' representative at the number below.

Furthermore, Applicants respectfully submit that the Requirement for Restriction has been fully addressed. Accordingly, Applicants now respectfully request that the Examiner either issue a Notice of Allowance on Claims 1-4 and 12-18, or an Office Action on the merits of Claims 1-4 and 12-18. If it is necessary to discuss this matter any further, the Examiner or Supervisory Examiner can contact Applicants' representative at the number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce S. Weintraub", with a large, stylized circular flourish at the end.

Bruce S. Weintraub
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